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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/338,744 06/23/99 WHITE

J 04873/056002

EXAMINER

WM02/1205

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LEE, B

ART UNIT

PAPER NUMBER

2632

DATE MAILED:

12/05/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

**Office Action Summary**

Application No.

09/338,744

Applicant(s)

WHITE, JAY PAUL

Examiner

Benjamin C. Lee

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2000.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 19, 22 and 25-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 19, 22 and 25-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

**Attachment(s)**

- 15) ☐ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 20) ☐ Other: \_\_\_\_\_

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## RESPONSE TO AMENDMENT

### *Claim Status*

1. **Claims 19, 22 and 25-35** are pending in the application.

### *Claim Rejections - 35 USC § 103*

2. **Claims 19, 22 and 25-35** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Loomis et al.** (US pat. #5,563,607) in view of **Hertel** (US pat. #5,751,246) as stand in the previous Office action.

### *Response to Arguments*

3. Applicant's arguments filed 9/18/00 have been fully considered but they are not persuasive.

1) As stated in the previous Office action, while one of skilled in the art would have readily recognized that storage facilities sometimes include shelves and bins for storage of the items and thus the system taught by Loomis et al. would have worked just as well to track/manage items stored in such a storage facility, the above rejection further relied on the Hertel reference to explicitly show that association of item information and location in various facilities such as shopping facilities having floor, store, aisle or shelf where particular items are store to aid in location/retrieval of such item is a known concept. Furthermore, in order to locate particular items stored in a particular location such as a shelf or bin, that location and that item are uniquely associated. Therefore, the Hertel reference should remove any doubt that there is

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motivation to associate specifically the location information of storage shelves/bins with item information in a facility in the Loomis et al. invention, and that the claimed invention is obvious.

2) The combined teachings by Loomis et al. and Hertel as used in the rejection also uses GPS location signal to provide a location tagging function of an item, just like the claimed invention.

3) In conclusion, upon reconsideration of the rejection in light of the prior art and Applicant's arguments with respect to the claimed invention, the arguments are not persuasive in overcoming the prior art and the above rejection is maintained.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any response to this action should be mailed to:

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Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051, (for formal communications intended for entry)

**Or:**

(703) 305-3988 (for informal or draft communications, please label

"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal


Drive, Arlington. VA., Sixth Floor (Receptionist).

6. Any inquiry concerning this communication should be directed to Examiner Benjamin Lee at telephone number (703) 305-0412. The examiner can normally be reached on Monday-Friday, 6:30am-4:00pm. If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703) 305-4717.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-8576, Mon-Fri, 8:30am-5:00pm.

B.L.

December 1, 2000

  
Benjamin C. Lee  
Primary Examiner